

APPLICANT(S): MEGED, David  
SERIAL NO.: 10/564,444  
FILED: January 12, 2006  
Page 6

### REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### Status of Claims

Claims 43-62 are pending in the application. Claims 43-62 have been rejected.

Claims 43, 50 and 58 have been amended herein. Claims 46 and 61 have been canceled herein without prejudice or disclaimer. In making this cancellation without prejudice, Applicant reserves all rights in these claims to file divisional and/or continuation patent applications.

Applicant respectfully asserts that the amendments to the claims add no new matter.

### CLAIM REJECTIONS

#### 35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 43-62 under 35 U.S.C. § 103(a), as being unpatentable over Trinkel (U.S. Patent No. 2,401,591) in view of Brumfield (U.S. 4,608,716). Applicant respectfully traverses the rejection and offers the following remarks in response.

Applicants assert that neither Trinkel nor Brumfield, individually or in combination, discloses, teaches or suggests the claim limitation of "a fabric attached between a sleeve and a body of such clothing along the entirety of a circumferential body-sleeve seam", as claimed in newly amended independent claims 43 and 58, and similarly claimed in newly amended independent claim 50.

APPLICANT(S): MEGED, David  
SERIAL NO.: 10/564,444  
FILED: January 12, 2006  
Page 7

Trinkel teaches a sleeping jacket having an elastic insert in an upper-body garment located in the space between the armpit and the shoulder blade only on the back side of the garment. See Trinkel at column 2, lines 4-34, and Figs. 1 and 2. Trinkel makes clear that the elastic material is to be placed solely in this location:

In use it is found a garment of this character does not bind at the shoulder blade or arm pit but rather this insert which is inserted in the garment at the back and beneath the arm provides elasticity and greater comfort in the wear thereof. [Col. 2, lines 29-34] (emphasis added)

Nowhere does Trinkel disclose, teach or suggest a stretchable fabric attached between a sleeve and a body of such clothing along the entirety of a circumferential body-sleeve seam.

Similarly, Brumfield fails to disclose, teach or suggest a fabric attached between a sleeve and a body of such clothing along the entire circumferential body-sleeve seam. Brumfield teaches a one-piece garment containing safety features to help prevent injuries to workers, including an elastic cloth 382 under the arms and in the shoulder. The Examiner cites element 382 of Fig. 1 and column 13, line 57 as teaching a dimensioned stretchable insert. However, as shown in Figs. 1 and 3 of Brumfield, element 382 does not extend along the entire circumference of the body-sleeve seam, as claimed in newly amended independent claims 43, 50 and 58. This is evident from the drawings as fabric 382 is shown in the front view of Fig. 1 of Brumfield but is not shown in the side view of Fig. 2 of Brumfield. In addition, while the reference numeral 382 is marked in the back view of Fig. 3 of Brumfield, it is not at all clear where in fact fabric 382 is situated on the back of the garment, if at all.

In contrast, the present invention, as claimed in amended independent claims 43, 50 and 58, comprises a stretchable fabric attached between a sleeve and body along the entirety of the circumference of the body-sleeve seam. In addition to improved articulation of the arm all around the shoulder joint, a fabric attached in such a manner would allow for improved ventilation of the underarms, as hot air trapped within the garment around the armpit could naturally rise and escape through the upper shoulder portion of the fabric. See Fig. 1 of the present application, in which element 112 indicates that the flow of ventilation extends around the entire arm-shoulder joint, including the upper shoulder area.

Therefore, newly amended independent claims 43, 50 and 58 are allowable over the cited prior art. Each of claims 44, 45, 47-49, 51-57, 59, 60 and 62 depends from, directly or

APPLICANT(S): MEGED, David  
SERIAL NO.: 10/564,444  
FILED: January 12, 2006  
Page 8

indirectly, one of independent claims 43, 50 and 58, includes all the limitations of one of independent claims 43, 50 and 58, and is therefore likewise allowable. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to independent claims 43, 50 and 58 and to claims 44, 45, 47-49, 51-57, 59, 60 and 62 dependent thereon.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

No fees are believed due in connection with this paper. However if any such fees are due, please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

  
Morey B. Wildes  
Attorney/Agent for Applicant(s)  
Registration No. 36, 968

Dated: July 2, 2008

Pearl Cohen Zedek Latzer, LLP  
1500 Broadway, 12th Floor  
New York, New York 10036  
Tel: (646) 878-0800  
Fax: (646) 878-0801